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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/159,068	09/23/1998	ELEFTHERIA MARATOS-FLIER	10276/014002	4696
75	90 07/17/2002			•
LOUIS MYERS			EXAMINER	
FISH & RICHARDSON 225 FRANKLIN STREET			SAOUD, CHRISTINE J	
BOSTON, MA 021102804			ART UNIT	PAPER NUMBER
	į,		1647	
			DATE MAILED: 07/17/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

09/159,068

MARATOS-FLIER et al.

Examiner

Christine Saoud

Art Unit **1647**



Period for Reply A SHORTEND STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE		The MAILING DATE of this communication appears of	on the cover she	et with	the correspondence address				
THE MAILING DATE OF THIS COMMUNICATION. Extremine of time may be available under the procision of 37 CFR 1.38 (a). In no event, however, may a reply be timely flied after SIX (8) MONTHS from the mailing date of this communication. It the part of the reply weperfied afters on the procision of 37 CFR 1.38 (a). In no event, however, may a reply be timely flied on the vicinity of the process of				_	MONTHUS FROM				
Extractions of time may be wellable under the provisions of 37 CPR 1.136 (a). In no event, however, may a right be timely filled office SN (is) MORTHS from the making date of this communication. If the priced for early specified above is less than then't (20) days, a right within the arbitrary interior of the capital communication. If the priced for early specified above is less than there in the capital communication in the price of the priced or the capital communication. If the priced for early specified above is less than these months after the making date of this communication. Any reply received by the Office liter than these months after the making date of this communication, were if timely filled, may reduce any second patter time adjustment. See 37 CFR 1.704(b). Status Status Status Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4 Claim(s) 47-63			10 EXPIRE	1	_ MUNTH(5) FROM				
It to a privid for mply specified doors is less than thirty (30) (days, in reply within the statutory minimum of the 100 days will be considered many. If NO period for mply is appointed doors, the maximum statutory period will explicit and will only in St. (MONTHS from the metally date of the communication.) Failure to upply within the sor or extended prived for righy well, by statute, cause the application to become ABANDOWED 135 U.S.C. \$ 1130. Any reply necessity of the Office and the manifest date of the communication, were if thirty (Ref., may reduce any support term adjustment. See 37 CFR 1,7404): Status 1) NR Responsive to communication(s) filled on Apr 29, 2002 2a) This action is FINAL. 2b) NT his action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s)	- Extensi								
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All Claim(s) 47-63 is/are pending in the application.	3) 🗆								
day of the above, claim(s) is/are withdrawn from consideration.	Disposit								
Side Claim(s)	4) 💢	Claim(s) <u>47-63</u>	•		is/are pending in the application.				
Claim(s)	4	a) Of the above, claim(s)			is/are withdrawn from consideration.				
Claim(s)	5) 🗆	Claim(s)			is/are allowed.				
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on	6) 🗆	Claim(s)			is/are rejected.				
Application Papers 9)	7) 🗆	Claim(s)			is/are objected to.				
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on	8) 💢	Claims 47-63	are :	subject	to restriction and/or election requirement.				
The drawing(s) filed onis/are a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed onis: a) □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some* c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) □ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) □ The translation of the foreign language provisional application has been received. 15) □ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) □ Notice of References Cited (PTO-892) 4) □ Interview Summary (PTO-413) Paper Nota) 5) □ Notice of Informal Patent Application (PTO-152)	Applica	tion Papers	-		·				
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6) Other:	2) 🗌 No	stice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Info	mal Paten	t Application (PTO-152)				
	3) 🔲 Inf	ormation Disclosure Statement(s) (PTO-1449) Paper No(s).	6) Other:						

Application/Control Number: 09/159,068

Art Unit: 1647

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 29 April 2002 has been entered.

Response to Amendment

2. Claims 1-46 have been canceled and claims 47-63 have been added as requested in the amendment of paper #17, filed 29 April 2002. Claims 47-63 are pending in the instant application.

Election/Restriction

- 3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 47-49 and 61-63, drawn to a method of inhibiting appetite or the gain of weight by administration of a non-polypetide drug or chemical, classified in class undetermined, subclass undetermined (since no structure is provided for the drug or chemical).
 - II. Claims 47-60, drawn to a method of inhibiting appetite or the gain of weight by administration of a peptide analog of MCH, classified in class 530, subclass 300, for example.

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- 4. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are directed to methods which have different method steps and/or starting materials, and therefore, are unrelated.
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the necessity for non-coextensive literature searches, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Christine J. Saoud, Ph.D., whose telephone number is (703) 305-7519. The Examiner can normally be reached on Monday to Friday from 7AM to 3PM. If attempts to reach

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the Examiner by telephone are unsuccessful, the Examiner's supervisor, Gary Kunz, can be reached on (703) 308-4623.

Certain papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1 (CM1). The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. §§ 1.6(d) and 1.8). NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by Applicant or Applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers.

Official papers filed by fax should be directed to (703) 872-9306. If this number is out of service, please call the Group receptionist for an alternate number. Official papers filed After Final rejection filed by fax should be directed to (703) 872-9307.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

CHRISTINE J. SAOUD PRIMARY EXAMINER

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